IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.298 OF 2007

Raju Tanaji Kadam ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri Abhaykumar Apte, adv. for the Applicant.
Smt. M.H.Mhatre, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 13th February, 2007.

P.C.:

1. Heard Mr.Apte, the learned counsel for the applicant and Smt.Mhatre, APP for the State. Perused police papers.

2. The applicant seeks to be released on bail in Crime No.186 of 2006 registered at Haveli Police Station for the offences punishable under Sections 302, 323, 452 of the I.P.C.

3. Prosecution case in brief is that the deceased Sangita used to treat the present applicant as her brother. However, her daughter Pratibha fell in love with the present applicant. One month before this incident Pratibha allegedly married the accused and began to live with him. She left the house of her mother without informing anybody. On 20-8-2006 at about

7.30 p.m., Sangita got a telephonic message from some woman that Pratibha was seen at the house of the accused, therefore, Sangita went to the house of the accused and found her daughter living with the accused. There she had exchange of hot words with the accused. After that she came back to her house. At about 11.00 p.m. the accused went to the house of Sangita and poured kerosene on her and set her ablaze. Sangita came out of her house in burning condition and people of the locality extinguished the fire. The report of Sangita was recorded in the hospital and it was treated as dying declaration. There is evidence of one independent witness Vijaya Desai who revealed that accused had come to her house at about 10.30 p.m. and after chit chatting with them for about half an hour, he had been to the house of Sangita and shortly after that she heard sound of quarrel. After sometime she heard screams of Sangita and then witness, Vijaya Desai came out and found Sangita burning. Sangita told her that she was burnt by the accused. Thus, besides the recorded dying declaration, there is also oral dying declaration made by the deceased immediately after the incident. There is also evidence to show that accused had been to the house of Sangita at that time. Sangita died because of the burn injuries. Taking into consideration the circumstances, it will not be in the interest of justice

to grant bail. If bail is granted, there is a every possibility that the accused may tamper the prosecution evidence.

4. Therefore, application stands rejected. As the accused is in custody for the last about six months, the Sessions Court shall expedite hearing and dispose off the same as early as possible.

(J.H.Bhatia,J.)